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7 Attorneys for Defendant  
TIMOTHY DUPUIS, in his official capacity as  
8 the Alameda County Registrar of Voters

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**  
11

12 PUBLIC INTEREST LEGAL  
FOUNDATION, INC.,

13 Plaintiff,

14 v.

15 TIMOTHY DUPUIS, in his official capacity  
16 as the Alameda County Registrar of Voters,

17 Defendant.

Case No. 4:24-cv-00679-HSG  
The Hon. Haywood S Gilliam, Jr

**DEFENDANT REGISTRAR OF VOTERS  
FOR COUNTY OF ALAMEDA TIMOTHY  
DUPUIS' ANSWER TO COMPLAINT**

Complaint Filed: Feb. 5, 2024  
Trial Date: None Set

1 Pursuant to Rule 8(b) of the Federal Rules of Civil Procedure, Defendant Registrar of  
2 Voters for County of Alameda Timothy Dupuis (“Defendant”) answers the Complaint of Plaintiff  
3 Public Interest Legal Foundation, Inc. (“Plaintiff”) as follows. If an allegation is not specifically  
4 admitted, it is hereby denied.

### 5 **ANSWER TO COMPLAINT**

#### 6 **JURISDICTION AND VENUE**

7 1. Answering Paragraph 1, Defendant admits that the Court has subject matter  
8 jurisdiction over the claim at issue in this case. The remaining allegations merely consist of legal  
9 assertions and conclusions to which no answer is required and are therefore denied on that basis.

10 2. Answering Paragraph 2, Defendant admits that Defendant resides in this district,  
11 and that a substantial part of the events or omissions giving rise to Plaintiff’s claim occurred in  
12 this district. The remaining allegations merely consist of legal assertions and conclusions to which  
13 no answer is required and are therefore denied on that basis.

#### 14 **PARTIES**

15 3. Answering Paragraph 3, Defendant lacks sufficient knowledge or information to  
16 form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies  
17 the allegations.

18 4. Answering Paragraph 4, Defendant admits that Defendant is the Alameda County  
19 Registrar of Voters. Defendant admits that the statement purported to be quoted from the webpage  
20 at <https://www.acvote.org/resources/about-us> can be found on that webpage as of the date of this  
21 Answer. The remaining allegations merely consist of legal assertions and conclusions to which no  
22 answer is required and are therefore denied on that basis.

23 5. Answering Paragraph 5, the allegations merely consist of legal assertions and  
24 conclusions to which no answer is required and are therefore denied on that basis.

25 6. Answering Paragraph 6, Defendant admits the allegation.

#### 26 **BACKGROUND**

27 7. Answering Paragraph 7, the allegations merely consist of legal assertions and  
28 conclusions to which no answer is required and are therefore denied on that basis.

1           8.       Answering Paragraph 8, Defendant admits that Defendant is the Alameda County  
2 Registrar of Voters. The remaining allegations merely consist of legal assertions and conclusions  
3 to which no answer is required and are therefore denied on that basis.

4           9.       Answering Paragraph 9, the allegations merely consist of legal assertions and  
5 conclusions to which no answer is required and are therefore denied on that basis.

6           10.      Answering Paragraph 10, Defendant admits that the Alameda County Registrar of  
7 Voter is responsible for registering voters. The remaining allegations merely consist of legal  
8 assertions and conclusions to which no answer is required and are therefore denied on that basis.

9           11.      Answering Paragraph 11, Defendant lacks sufficient knowledge or information to  
10 form a belief as to the truth of whether the records described by 52 U.S.C. § 20507(i)(1) are  
11 commonly referred to as “voter list maintenance records,” and on that basis, denies the allegation.  
12 The remaining allegations merely consist of legal assertions and conclusions to which no answer  
13 is required and are therefore denied on that basis.

14          12.      Answering Paragraph 12, the allegations merely consist of legal assertions and  
15 conclusions to which no answer is required and are therefore denied on that basis.

16          13.      Answering Paragraph 13, the allegations merely consist of legal assertions and  
17 conclusions to which no answer is required and are therefore denied on that basis.

18          14.      Answering Paragraph 14, the allegations merely consist of legal assertions and  
19 conclusions to which no answer is required and are therefore denied on that basis.

20          15.      Answering Paragraph 15, the allegations merely consist of legal assertions and  
21 conclusions to which no answer is required and are therefore denied on that basis.

22          16.      Answering Paragraph 16, the allegations merely consist of legal assertions and  
23 conclusions to which no answer is required and are therefore denied on that basis.

24          17.      Answering Paragraph 17, the allegations merely consist of legal assertions and  
25 conclusions to which no answer is required and are therefore denied on that basis.

26          18.      Answering Paragraph 18, Defendant admits that Exhibit A to the Complaint is an  
27 authentic copy of correspondence addressed to Defendant. Defendant alleges that Exhibit A to the  
28 Complaint speaks for itself. Defendant denies any remaining allegations.

1           19.     Answering Paragraph 19, Defendant admits that Defendant's office sent an email to  
2 the e-mail address [LChurchwell@publicInterestLegal.org](mailto:LChurchwell@publicInterestLegal.org) dated September 19, 2023 stating in  
3 part:

4                   Hello Logan,  
5                   Thank you for your email.  
6                   The information that you seek is kept at the State level.  
7                   Please Contact the CA Secretary of State at [www.sos.ca.gov](http://www.sos.ca.gov).

7 Defendant denies any remaining allegations.

8           20.     Answering Paragraph 20, Defendant admits that Exhibit B to the Complaint is an  
9 authentic copy of three e-mails between Logan Churchwell and Defendant's Office. Defendant  
10 alleges that Exhibit B to the Complaint speaks for itself. Defendant denies any remaining  
11 allegations.

12           21.     Answering Paragraph 21, Defendant lacks sufficient knowledge or information to  
13 form a belief as to the truth of the allegation, and on that basis, denies the allegation.

14           22.     Answering Paragraph 22, Defendant admits that Exhibit C is an authentic copy of  
15 correspondence addressed to Defendant and the California Secretary of State. Defendant alleges  
16 that Exhibit C speaks for itself. Defendant denies any remaining allegations.

17           23.     Answering Paragraph 23, Defendant lacks sufficient knowledge or information to  
18 form a belief as to the truth of the allegation, and on that basis, denies the allegation.

19           24.     Answering Paragraph 24, Defendant lacks sufficient knowledge or information to  
20 form a belief as to the truth of whether Plaintiff provided written notice to the Secretary of State of  
21 California, and on that basis, denies it. The remaining allegations merely consist of legal  
22 assertions and conclusions to which no answer is required and are therefore denied on that basis.

23           25.     Answering Paragraph 25, Defendant alleges that Exhibit C speaks for itself.  
24 Defendant denies any remaining allegations.

25           26.     Answering Paragraph 26, Defendant alleges that Exhibit C speaks for itself.  
26 Defendant denies any remaining allegations.

27           27.     Answering Paragraph 27, the allegations merely consist of legal assertions and  
28 conclusions to which no answer is required and are therefore denied on that basis.

1           28.     Answering Paragraph 28, Defendant alleges that Exhibit D is an authentic copy of  
2 an e-mail from Defendant to Logan Churchwell. Defendant alleges that Exhibit D speaks for  
3 itself. Defendant denies any remaining allegations.

4           29.     Answering Paragraph 29, Defendant lacks sufficient knowledge or information to  
5 form a belief as to the truth of the allegation, and on that basis, denies the allegation.

6           30.     Answering Paragraph 30, Defendant lacks sufficient knowledge or information to  
7 form a belief as to the truth of the allegation, and on that basis, denies the allegation.

8           31.     Answering Paragraph 31, the allegations merely consist of legal assertions and  
9 conclusions to which no answer is required and are therefore denied on that basis.

10          32.     Answering Paragraph 32, Defendant denies that there was any violation of the  
11 National Voting Rights Act, and therefore, Defendant denies that it has failed to cure a violation.  
12 Defendant denies any remaining allegations.

13          33.     Answering Paragraph 33, the allegations merely consist of legal assertions and  
14 conclusions to which no answer is required and are therefore denied on that basis.

15          34.     Answering Paragraph 34, the allegations merely consist of legal assertions and  
16 conclusions to which no answer is required and are therefore denied on that basis.

17          35.     Answering Paragraph 35, Defendant denies that there was any violation of the  
18 National Voting Rights Act, and further denies that its actions are causing Plaintiff to suffer any  
19 injury. The remaining allegations merely consist of legal assertions and conclusions to which no  
20 answer is required and are therefore denied on that basis.

21          36.     Answering Paragraph 36, Defendant lacks sufficient knowledge or information to  
22 form a belief as to the truth of the allegation, and on that basis, denies the allegation.

23          37.     Answering Paragraph 37, Defendant lacks sufficient knowledge or information to  
24 form a belief as to the truth of the allegation, and on that basis, denies the allegation.

25          38.     Answering Paragraph 38, Defendant denies that it has denied Plaintiff's records  
26 request, and further denies that Defendant's actions are causing Plaintiff to suffer any injury.  
27 What Plaintiff chooses to spend its time and resources on is purely Plaintiff's choice. Defendant  
28

1 lacks sufficient knowledge or information to form a belief as to the truth of the remaining  
2 allegations, and on that basis, denies them.

3       39.     Answering Paragraph 39, Defendant denies that it failed to allow inspection  
4 pursuant to federal law, and further denies that Defendant's actions are causing Plaintiff to suffer  
5 any injury. What Plaintiff chooses to spend its time and resources on is purely Plaintiff's choice.  
6 Defendant lacks sufficient knowledge or information to form a belief as to the truth of the  
7 remaining allegations, and on that basis, denies them.

8       40.     Answering Paragraph 40, Defendant denies that it failed to allow inspection of  
9 records, and further denies that Defendant's actions are causing Plaintiff to suffer any injury.  
10 Defendant lacks sufficient knowledge or information to form a belief as to the truth of the  
11 remaining allegations, and on that basis, denies them.

12       41.     Answering Paragraph 41, Defendant denies that it failed to provide records subject  
13 to disclosure, and further denies that Defendant's actions are causing Plaintiff to suffer any injury.  
14 What Plaintiff chooses to spend its time and resources on is purely Plaintiff's choice. Defendant  
15 lacks sufficient knowledge or information to form a belief as to the truth of the remaining  
16 allegations, and on that basis, denies them.

17       42.     Answering Paragraph 42, Defendant denies that it denied Plaintiff the ability to  
18 obtain the requested records, and further denies that Defendant's actions are causing Plaintiff to  
19 suffer any injury. What Plaintiff chooses to spend its time and resources on is purely Plaintiff's  
20 choice. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the  
21 remaining allegations, and on that basis, denies them.

22       43.     Answering Paragraph 43, Defendant lacks sufficient knowledge or information to  
23 form a belief as to the truth of the allegation contained in said paragraph, and on that basis, denies  
24 the allegation.

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**COUNT I**

**Violation of Section 8(i) of the NVRA, 52 U.S.C. § 20507(i)**

44. Answering Paragraph 44, Defendant incorporates by reference its answers to paragraphs 1 through 43 as though fully set forth herein.

45. Answering Paragraph 45, Defendant admits it maintains custody of voting records as required by law. Defendant denies any remaining allegations therein.

46. Answering Paragraph 46, Defendant denies each and every allegation therein.

47. Answering Paragraph 47, the allegations merely consist of legal assertions and conclusions to which no answer is required and are therefore denied on that basis.

48. Answering Paragraph 48, Defendant denies each and every allegation therein.

**AFFIRMATIVE DEFENSES**

Defendant pleads the following separate defenses. Defendant reserves the right to assert additional affirmative defenses that discovery indicates are proper.

**FIRST AFFIRMATIVE DEFENSE**

**(Failure to State a Claim)**

1. As a separate and first affirmative defense to the Complaint, and to the purported causes of action set forth therein, Defendant alleges that the Complaint fails to state facts sufficient to constitute a cause of action.

**SECOND AFFIRMATIVE DEFENSE**

**(Compliance with the Law)**

2. As a separate and second affirmative defense to the Complaint and each purported cause of action contained therein, Defendant alleges that the actions taken by Defendant were in full compliance with the law.

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**THIRD AFFIRMATIVE DEFENSE**

**(Failure to Serve Notice)**

3. As a separate and third affirmative defense to the Complaint and each purported cause of action contained therein, Defendant alleges that each cause of action is barred because Plaintiff failed to comply with the notice requirements under 52 U.S.C. 20510 prior to bringing suit.

**FOURTH AFFIRMATIVE DEFENSE**

**(Lack of Standing)**

4. As a separate and fourth affirmative defense to the Complaint and each purported cause of action contained therein, Defendant alleges that Plaintiff lacks standing to prosecute the purported claims set forth in the Complaint.

**FIFTH AFFIRMATIVE DEFENSE**

**(No Injury or Damage)**

5. As a separate and fifth affirmative defense to the Complaint and each purported cause of action contained therein, Defendant alleges that Plaintiff has not been injured or damaged as a proximate result of any act or omission for which Defendant is responsible.

**SIXTH AFFIRMATIVE DEFENSE**

**(Privilege)**

6. As a separate and sixth affirmative defense to the Complaint and each purported cause of action contained therein, Defendant alleges that in each act or statement done or made by Defendant, his officers, employees and/or agents, with reference to Plaintiff were and continue to be made in good faith and are proper assertions of Defendant's legal rights and obligations and, therefore, were and are privileged.

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1 WHEREFORE, Defendant prays for relief as follows:

2 1. That the Complaint be dismissed, with prejudice and in its entirety;

3 2. That Plaintiff take nothing by reason of this Complaint and that judgment be  
4 entered against Plaintiff and in favor of Defendant;

5 3. That Defendant be awarded his costs incurred in defending this action;

6 4. That Defendant be granted its attorneys' fees; and

7 5. That Defendant be granted such other and further relief as the Court may deem just  
8 and proper.

9  
10 DATED: April 8, 2024

MEYERS NAVE

11  
12 By: 

13 DEBORAH J. FOX  
14 DAVID MEHRETU  
15 KRISTOF D. SZOKE  
16 Attorneys for Defendant  
TIMOTHY DUPUIS, in his official capacity as the  
Alameda County Registrar of Voters

**DEMAND FOR JURY TRIAL**

Defendant Registrar of Voters for County of Alameda Timothy Dupuis hereby demands a jury trial as to all issues or claims for which a jury trial is allowed.

DATED: April 8, 2024

MEYERS NAVE

By:



DEBORAH J. FOX  
DAVID MEHRETU  
KRISTOF D. SZOKE  
Attorneys for Defendant  
TIMOTHY DUPUIS, in his official capacity as the  
Alameda County Registrar of Voters

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